

**LEGAL STUDIES/SOCIOLOGY 131: CRIMINAL JUSTICE IN AMERICA  
SPRING 2012**

TuTh 9:30 a.m. - 10:45 a.m.—Social Science 6210

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**COURSE DESCRIPTION**

This course introduces students to the American criminal justice system. Students will examine the theory and foundation, structure, function, and history of the criminal justice system. The course explores the nature of the criminal justice system through an interdisciplinary prism. We consider the system in the context of four core themes. First, we examine the theoretical differences between "factual guilt" and "legal guilt" and the meanings of "crime." Second, we focus on the tension between maintaining public safety and preserving individual rights. Third, we explore the relationship between public expectations of the criminal justice system and how the system operates in reality. Fourth, we study how the discretionary decisions of various actors in the system affect the operation of the criminal justice system.

The course is divided into four parts. Part I, "The Criminal Justice System," considers the roots of the criminal justice system and explores some of its presuppositions and biases. Part II, "The Police," examines the organization of the police, police functions, the nature of arrest, the constitutional rights of suspects, the rise of community policing, and police techniques. Part III, "Criminal Trials," introduces students to the adversarial system and the framework of the criminal trial process. In this part, we review the roadmap of a trial, the roles of judges and lawyers, courtroom workgroups, prosecutorial and judicial discretion, plea negotiation, the jury system, and sentencing. Part IV, "Corrections," turns to the history of American corrections and the theories underlying punishment, the state of modern corrections, the forms of sanction, the nature of confinement, and release.

**COURSE REQUIREMENTS**

Students must: (1) attend and actively participate in all lectures; (2) attend and actively participate in all discussion sections; (3) complete all required readings; (4) complete one in-class quiz and three in-class examinations on the dates those exercises are administered in lecture; and (5) complete any exercises, whether written or oral (including, without limitation, homework, quizzes, or other assignments), as assigned by the teaching assistants in discussion section.

Attendance is mandatory. Students are responsible for all material conveyed in lectures, discussion sections, or by email. Students also are responsible for any announcements made in lecture, discussion sections, or by email, irrespective of whether the student is present in class or whether the student reads the email. Such announcements include, without limitation, modifications in the assigned reading schedule (including deletions and additions); modifications in examination content, format, and/or scheduling; and explanations of material in preparation for the quiz or examinations.

## **CLASSROOM FORMAT**

This course meets weekly for two seventy-five (75) minute lectures and one fifty (50) minute discussion section. Students should be prepared to discuss readings in lecture as well as in discussion section. The instructor and TAs will call upon students to participate in an analysis of the readings and lecture content even if students do not volunteer for participation.

Invited speakers occasionally will address the class during the lecture period. Attendance at guest lectures also is mandatory, and the instructor will incorporate material from guest lectures into the quiz and/or examinations.

## **WORKLOAD**

This is a four-credit course. Students are expected to spend about ten (10) to twelve (12) hours per week outside of class focusing on this material [*the general rule of thumb is three (3) hours per academic credit per week in out-of-class study time*]. Students should budget ample time to master the readings, to synthesize notes, and to review materials regularly.

Reading assignments vary in length. Students should pace themselves accordingly and expect some assignments to be longer than others. Additional articles may be assigned.

## **LECTURE TOPICS AND READINGS**

The schedule of topics and readings appears below. Readings are due on the date of the lecture with which they correspond. All readings, unless otherwise noted, are required. For quiz and examination purposes, students are responsible for all readings regardless of whether they were addressed in lecture or a discussion section. However, students are not responsible for the readings designated "*Recommended*" except to the extent those recommended readings have been discussed in lecture and/or discussion section. Students may, however, rely on recommended materials to support a point in an essay. Additional readings may be assigned, and assigned readings may be omitted in the interest of time.

The required readings consist of two components: a text ("**Text**") and a course reader ("**Reader**"). The **Text** for the course is: Cole, George F. and Smith, Christopher E., *Criminal Justice in America* (Thompson Wadsworth, Sixth Ed. 2010); ISBN 049581136x.

The Text is available at University Bookstore (711 State Street).

The **Reader** is available at the Social Science Copy Center (6120 Social Science Building).

## **READINGS AVAILABLE ON RESERVE**

The **Text** and **Reader** are available on Reserve at College Library (Helen C. White Hall).

## **READING REINFORCEMENT**

Material in certain readings often repeats or overlaps with the content of other assignments. *This repetition is deliberate*. Digesting the same material from different angles reinforces concepts and promotes deeper analysis. Similarly, occasional readings are marked "**Review**." Students are expected to reread passages so marked with particular care. For examination purposes, the instructor will treat readings marked "**Review**" as assignments included for the lecture with which they correspond. Students will be expected to have remastered "**Review**" readings, and the instructor may test students on "**Review**" readings as if those readings had not been assigned before.

## GRADING

The expectations in this course are demanding, the written exercises are challenging, and the grading criteria are precise and exacting. The instructor determines grades on the basis of:

Quiz:	Tuesday, February 14, lecture period	(15%)
Examination I:	Tuesday, February 28, lecture period	(25%)
Examination II:	Tuesday, March 27, lecture period	(25%)
Examination III:	Thursday, May 17, 5:05-7:05pm	(20%)
Participation:		(15%)

All grades will be determined based on the following scale:

A	=	92 - 100%
AB	=	88 - 91%
B	=	82 - 87%
BC	=	78 - 81%
C	=	70 - 77%
D	=	60 - 69%
F	=	below 59%

### **Quiz (15%): Tuesday, February 14, Lecture Period**

Approximately 15% of each student's final grade will be determined on the basis of a Quiz. The Quiz will be administered during lecture on Tuesday, February 14. The Quiz covers course content from the beginning of the semester (since January 24). The Quiz will consist of fifty (50) multiple choice and/or true-false questions. Each question will be worth two (2) points.

### **Examination I (25%): Tuesday, February 28, Lecture Period**

Approximately 25% of each student's final grade will be determined on the basis of Examination I. Examination I will be administered during lecture on Tuesday, February 28. Examination I covers course content since the beginning of the semester.

Examination I will consist of two parts. The *scantron section* will be worth 50% of the total score and will consist of twenty-five (25) multiple-choice and/or true-false questions. Each scantron question carries a value of two (2) points. The *essay section* will be worth 50% of the total score and will consist of one (1) essay question carrying a value of fifty (50) points. Students will receive a pool of two (2) possible essay questions no later than one week before the examination. One (1) of the questions from the pool will appear on the scheduled examination. All students will be required to answer the one (1) essay question that appears on the examination. Stated otherwise, there will be no choice of essays on the examination.

### **Examination II (25%): Tuesday, March 27, Lecture Period**

Approximately 25% of each student's final grade will be determined on the basis of Examination II. Examination II will be administered during lecture on Tuesday, March 27. Examination II covers course content following Examination I (February 28).

Examination II will consist of two parts. The *scantron section* will be worth 50% of the total score and will consist of twenty-five (25) multiple-choice and/or true-false questions. Each scantron question carries a value of two (2) points. The *essay section* will be worth 50% of

the total score and will consist of one (1) essay question carrying a value of fifty (50) points. Students will receive a pool of two (2) possible essay questions no later than one week before the examination. One (1) of the questions from the pool will appear on the scheduled examination. All students will be required to answer the one (1) essay question that appears on the examination. Stated otherwise, there will be no choice of essays on the examination.

**Examination III (20%): Thursday, May 17, 5:05 to 7:05 p.m. (location TBA)**

Approximately 20% of each student's final grade will be determined on the basis of Examination III. Examination III will be administered on Tuesday, May 17 between 5:05 and 7:05 pm. The location of Examination III will be posted by the Office of the Registrar (please check myUW for updates). Examination III covers course content since Examination II. Examination III will consist of fifty (50) multiple choice and/or true-false questions. Each question will be worth two (2) points. Examination III will have no essay.

**Participation and Attendance (15%)**

Approximately 15% of each student's final grade will be determined on the basis of Participation. This component requires students to attend discussion sections and lectures, master the readings, contribute fruitfully to lecture and section, and complete any assignments and/or other written or oral exercises (including, without limitation, homework, quizzes, presentations, or other assignments) designated by the TA. Insightful participation is an essential part of the course. We evaluate participation on the basis of the quality, not quantity, of student comments. Simply being present in all sections or lectures is not enough. *Do not assume you will receive a higher grade if you talk more than your classmates.* Each TA, in his/her exclusive discretion, determines the criteria for assessing the Participation Component and assigns this grade to each student.

You can miss three lectures for whatever reason without penalty. If you miss more than three, your participation grade will be affected. If you miss lecture six times or more you will fail the class. Only medical emergencies (surgery etc.) and obligatory university-sponsored events (such as athletic competitions and exams) count as “excused absences”.

If you miss 15 minutes or more of a class, you will be considered absent for the whole class. If you know you will be late or have to leave early, please contact the instructor in advance.

It is your obligation to:

- make sure you sign the attendance sheet each day of class. The instructor will not verify if you were present if you forgot to sign the attendance sheet,
- keep track of the number of your absences. The instructor will not send out individual warnings when you reach a number of absences that affects your grade,
- be proactive and contact the instructor if you are getting close to a critical number of absences.

You have to keep track of your absences yourself and will **not** get a warning if you reach a critical number of absences.

**QUIZ AND EXAMINATIONS: READ THIS CLOSELY**

The quiz and all examinations are closed book. Food and beverages are prohibited in the classroom during the tests. Students must remove caps, hats, and sunglasses. Students must *stay in the lecture hall until the end of the quiz or examination period*, even if they finish before the end of the period. In a class this size, early departures are disruptive to those students still concentrating on the exercise. The quiz and examinations will begin promptly at the beginning of the period and end when the proctor calls time. Students must cease writing the moment the proctor calls time. After the proctor calls time, students receive no extra time to finish writing essays or mark (*fill in the bubbles*) scantrons. Students who arrive late receive no extra time.

**ACADEMIC MISCONDUCT: READ THIS CLOSELY**

The overwhelming majority of students are hard working and honest about their schoolwork. The instructor has great respect for the effort students put into preparing for this course. Part of the value of a degree from the University of Wisconsin-Madison lies in the standards of academic honesty and integrity maintained by the campus.

To avoid academic misconduct, it is important that students understand how academic misconduct is defined and the expectations the instructor has of each student.

According to University of Wisconsin-Madison academic misconduct policies, academic misconduct is any intentional act "to claim effort for the work or efforts of another without authorization or citation" or to assist others in doing so." This includes (but is not limited to):

- using another person's ideas, words, or research and presenting them as one's own without authorization or without proper credit to the originator (for example, copying from your classmate or presenting someone else's work as your own);
- using notes, books, or a programmable device during an exam when such use is not allowed (for example, using a "cheat sheet" or other aids);
- signing someone else's name, or signing on behalf of someone else, on an attendance sheet;
- assisting someone else with quizzes, essays, and homework assignments;
- cutting, pasting, or paraphrasing text from the web or any other source without quotation marks and/or proper citation or attribution;
- helping someone else cheat;
- collaboration that contradicts any other rules created expressly for this course.

Students have the right to expect that they and other students will be graded fairly, and students have rights of due process should they be accused of misconduct. Students also have an obligation to conduct their academic work with honesty and integrity according to University standards. Therefore, it is important that students:

- learn the rules about academic misconduct and procedures (<http://students.wisc.edu/saja/misconduct/UWS14.html>);
- learn the rules about quoting and paraphrasing sources (<http://www.wisc.edu/writing/Handbook/QuotingSources.html>);
- ask the instructor if the student is unsure what behaviors constitute academic misconduct in a specific class or assignment;
- let instructor know if you think you see incidents of misconduct.

The instructor takes violations of the rules of academic misconduct seriously and will pursue disciplinary sanctions. Those sanctions include, among other things, a grade of “F” for the particular assignment or a grade of "F" for the course grade. Disciplinary measures become part of a student’s academic record. That means, for example, that a student sanctioned for academic misconduct would have to answer “yes” when asked on a law school application if the student had ever been the subject of a disciplinary proceeding.

The quiz and all examinations are closed book. Students must remove and stow away everything from the desk, seat, floor, and area around them. Students must turn off and store cell phones and other electronic devices. If anyone sees papers, notes, readings (or any other materials), a cell phone, or any electronic/communicative device within a student’s reach or area during the examination, then the instructor will assume *prima facie* that the student is cheating, and will engage the academic misconduct process.

Before the quiz or examination, students will be required to certify that they have not engaged in academic misconduct while preparing for or during the course of a graded exercise.

#### ACADEMIC MISCONDUCT: WHAT TO DO IF YOU SEE SOMEONE CHEATING

Honest students are rightfully distressed when they see cheating occur. Students may sometimes see behaviors that the instructor does not notice. Cheating threatens the integrity of the classroom, and cheating can affect the grade distribution scale.

Students should feel free to discuss their concerns and observations with the instructor. The instructor will want to know about these concerns or observations, and the instructor will decide whether or not to take action in or to take steps to prevent cheating in the future. The instructor may ask you if you would be willing to testify at a hearing (although you will not be forced to do so). If you still have concerns after talking with the instructor, you may consult an Academic Dean or staff in Student Advocacy and Judicial Affairs.

Students may help other students by warning them that cheating is a violation of the University of Wisconsin System Administrative Code and may result in severe consequences. The instructor and the University do impose disciplinary sanctions upon students that commit academic misconduct. The instructor vigorously pursues all academic misconduct cases.

### **ACCOMMODATIONS**

Please let the instructor know if you need accommodations in the curriculum, instruction, or assessments in this course to enable you to fully participate. The McBurney Center (263-2741) provides resources for students with special needs. You will need to provide documentation to them in order to receive official university services and accommodations. To maintain confidentiality, please feel free to contact me via email (grunewald@wisc.edu) within the first three weeks of the semester to make an appointment and discuss arrangements. Please don't hesitate to contact me or the McBurney Center with questions.

Students who request relief for religious observances also should notify the instructor and TA within the first three weeks of the semester.

### **NO MAKE-UP QUIZZES OR EXAMINATIONS; NO "DO OVERS"**

There are no make-up quizzes, examinations, or other assignments in this course. I may permit a student to take a make-up quiz, examination, or assignment only in the *rare and exceptional case* of an illness or family emergency. It is the student's obligation, when possible, to provide advance notice and documentation of an absence. I may decline to excuse a student for a missed quiz, examination, or assignment. If a make-up exercise is granted, then the student must take it on a date *after* the assigned test date. We permit no "early bird" examinations.

Oversleeping, prescheduled trips, family vacations and celebrations, employment obligations, extra-curricular commitments, extended holiday or travel weekends, non-refundable airline tickets, and early departures for breaks do not constitute "illness or family emergency." I do not grant excuses for any reason other than illness or family emergency.

There are no "do-overs:" students may not retake a quiz, examination, or other assignment.

### **MISSED QUIZ OR EXAMINATIONS**

Students who miss a quiz, examination, or assignment (whether because the student does not show up for the exercise, *or* because the instructor declines to excuse the student for any reason) will receive a score of 0 points (a letter grade of "F") for that exercise.

### **EXTRA CREDIT AND "EFFORT"**

There are no opportunities to earn extra credit in this course. There are no opportunities to change a grade by performing additional work or by modifying completed work. There are no opportunities to modify a grade based on a student's degree of "effort." I will not review or change grades based on a student's eligibility for a scholarship or their need to maintain or reach a specific GPA.

### **NO INCOMPLETES**

I generally do not assign grades of "Incomplete" ("IN"). Students who do not complete the course requirements (including receiving a score of 0 points for the quiz or any exam) will receive a failing grade ("F") for the course. I may consider a grade of "IN" only: (1) in the rare and exceptional case of illness or other unusual and substantiated cause beyond the student's control; *and* (2) if the student has carried the subject matter with a passing grade until near the end of the semester.

### **BLIND GRADING**

The instructor and TAs use "blind grading" to ensure objectivity and fair treatment. Students must use *only* their campus ID numbers as identification on essays; ***no names may appear on any bluebook.***

### **REVIEW OF QUESTIONS; CHANGE OF GRADES; QUIZ AND EXAMINATION CONTENT**

Each student will receive an item analysis for the scantron questions; the item analysis indicates which questions a student answered incorrectly. The scantron questions—with an annotated answer key—are available for student review during my and TAs' office hours. Students may not borrow or keep copies of the scantron questions. I will treat instances of copying or circulating scantron questions—whether from past semesters or from the current semester—as a form of actionable academic misconduct.

A grade may be changed in cases of computation error only. Quiz and examination content, structure, and wording are not negotiable. I and TAs do not debate any aspect of questions or responses. The instructor makes all decisions about the criteria used to create, grade, and scale the quiz and examinations. In particular, note: (1) for *scantron questions*, the instructor does not "throw out" or discount scantron questions. Scantron questions require students to select the *best* answer. Among multiple choice alternatives, often two alternatives are close, but only one alternative is the *best* answer. The use of two close alternatives is deliberate; and (2) for *essay questions*, the instructor determines what information he expects an essay to include, and he assigns values to that information.

### **CLASS NOTES**

The instructor and TAs do not, under any circumstances, provide students with lecture or discussions section notes. Students who miss class should obtain notes from a classmate.

### **COMMUNICATION**

If for whatever reason you have difficulties in this course, let me know. If you miss class and fear it will affect your grade, please contact me. Be proactive, talk to me instead of waiting until the end of the semester.

### **OFFICE HOURS**

My Office Hours are Tuesday, 1:30 pm-3:30 pm. If these times do not accommodate your schedule, then I will be available for appointments.

### **EMAIL AND COMPUTER COMMUNICATION**

Students may contact me by email. I usually do not check or answer email during non-business hours. I will occasionally forward to the classlist my email responses to student questions. Students are responsible for any information I or the TAs transmit to the email class list including, without limitation, announcements, answers to questions, explanations of material touched upon in lecture, and internet links that may enhance the course material. Please use a professional tone in your emails and all other communication (hint: "Hey" is not).

## **LAPTOP POLICY**

I will allow the use of laptops **ONLY** under the following conditions:

- Computers are exclusively used to take notes,
- Students who would like to take notes with their computers have to sit in the front row(s) of the classroom,
- Students who use their computers have to limit distractions (noises caused by typing, chimes, or any other sounds made by the computer) to a minimum.

As long as these rules are followed students can use their computers for note-taking. The instructor will enforce a “one strike and you’re out” rule: If the instructor or TA sees a student using a computer for anything else but note taking the student will be singled out and the privileges mentioned above are revoked for the rest of the semester.

## **DISRUPTIONS**

Avoid disruptions (arriving late, talking in class, checking out what other students are doing, flirting, reading non-course materials, listening to music, doing puzzles or engaging in other games, surfing the web, **texting**, leaving early, and *packing to leave before the period ends*) that rattle the instructor and distract your classmates. I may single out students engaged in behavior I find disruptive.

## LECTURE TOPICS AND ASSIGNED READINGS

### PART I. THE CRIMINAL JUSTICE SYSTEM

#### A. THE RELATIONSHIP BETWEEN CRIME AND JUSTICE

**TUESDAY, JANUARY 24**

1. *Lecture One*

##### **Introduction and the Scope of the Criminal Justice System**

- Read this **Syllabus** ("Ignorance of the law is no defense");
- **Reader:** Friedman, Lawrence M., "Crimes and Punishments," in *American Law: An Introduction* (2d ed. NY: W.W. Norton & Co., 1998), pp. 180-206.

**THURSDAY, JANUARY 26**

2. *Lecture Two*

##### **What is "Justice"?**

- **Text:** pp. 3-16;
- **Reader:** Sandel, Michael, "Doing the Right Thing," in *Justice: What's the Right Thing to Do?* (Farrar, Straus and Giroux, 2009), pp. 3-30.

**TUESDAY, JANUARY 31**

3. *Lecture Three*

##### **What is "The System"?**

- **Text:** pp. 16-33;
- **Reader:** Packer, Herbert L., "Two Models of the Criminal Process," Sage Publication 1993;
- **Reader:** Luke, Dittrich, "Tonight on *Dateline* This Man Will Die," *Esquire*, September 2007.

**THURSDAY, FEBRUARY 2**

4. *Lecture Four*

##### **What is "Crime"?**

- **Text:** pp. 35-54 and 64-65;
- **Text: Recommended Only**—pp. 52-62;
- **Reader:** Goldstein, Joseph, "Relax, if You Want, but Don't Put Your Feet Up," *The New York Times*, January 6, 2012;
- **Reader:** Steinhauer, Jennifer, "Verdict in MySpace Suicide Case," *The New York Times*, November 27, 2008;
- **Reader:** Zetter, Kim, "Judge Acquits Lori Drew in Cyberbullying Case, Overrules Jury," *Wired*, July 2, 2009;
- **Reader:** Terry, Don, "Eavesdropping Laws Mean That Turning On an Audio Recorder Could Send You to Prison," *The New York Times*, January 22, 2011;
- **Reader Recommended:** Bernard, Anne, "A Novel Twist for Prosecution of Hate Crime," *The New York Times*, June 22, 2010.

#### B. CRIMINAL JUSTICE AND THE RULE OF LAW

**TUESDAY, FEBRUARY 7**

5. *Lecture Five*

##### **Substantive Criminal Law, Part 1**

- **Text:** pp. 67-76;
- **Reader:** Sutherland, Edwin, Cressey, Donald, "Characteristics of the Criminal Law," Reprinted in *Scarpitti, Frank R. and Amie L. Nielsen (eds.). 1999. Crime and Criminals: Contemporary and Classic Readings in Criminology*, pp. 11-17;
- **Reader:** *McBoyle v. United States*, 283 U.S. 25 (1931);
- **Reader:** *Smith v. United States* (Syll.), 508 U.S. 223 (1993);
- **Reader:** *Smith v. United States* (Dissent), 508 U.S. 223 (1993).

NOTE: SAMPLE QUIZ QUESTIONS  
DISTRIBUTED IN LECTURE

**THURSDAY, FEBRUARY 9**

6. *Lecture Six*

**Substantive Criminal Law, Part 2**

- **Text:** pp. 77-80;
- **Reader:** Eagleman, David, "The Brain on Trial;" *The Atlantic*, July/August 2011;
- **Reader:** Weingarten, Gene, "Fatal Distraction: Forgetting a Child in the Backseat of a Car is a Horrifying Mistake. Is it a Crime?" *The Washington Post*, March 8, 2009;
- **Reader:** *State v. Jadowski*, 2004 WI 68, pp. 1-16.

**TUESDAY, FEBRUARY 14**

7. *Lecture Seven*

**QUIZ**

(Covers material since January 24; see also page 3)

**THURSDAY, FEBRUARY 16**

8. *Lecture Eight*

**Procedural Criminal Law**

- **Text:** pp. 80-95;
- **Reader:** *Review* pp. 202-206 of Friedman, "Crimes and Punishments," in *American Law: An Introduction*;
- **Reader:** *State v. Smith*, Slip Opinion No. 2009-Ohio-6426;
- **Reader:** Thomas, Chandra R., "Why is Genarlow Wilson in Prison?" *Atlanta Magazine*, February 2007;
- **Reader:** *cnn.com*, "Wilson Released After Two Years Behind Bars for Teen Sex Conviction," October 27, 2007.

**PART II. THE POLICE**

**A. ORGANIZATION OF THE POLICE**

**TUESDAY, FEBRUARY 21**

9. *Lecture Nine*

NOTE: POOL OF POSSIBLE ESSAY  
QUESTIONS DISTRIBUTED  
IN LECTURE

**Structure and Function of the Police / Investigations**

- **Text:** pp. 103-127, 129-136;
- **Reader:** Bittner, E., excerpt from *The Functions of the Police in Modern Society* (1970), pp. 107-113.

**B. ISSUES AND TRENDS IN POLICING**

**THURSDAY, FEBRUARY 23**

10. *Lecture Ten*

**Police Techniques: Methods and Response**

- **Text:** pp. 136-152 and 164-165;
- **Reader:** Wilson, James, Kelling, George, "Broken Windows," *The Atlantic Monthly*, 1982;
- **Reader:** Keizer, Kees, Siegwart, Lindenberg, Linda Steg, "The Spreading of Disorder," *Science*, December 12, 2008.

**TUESDAY, FEBRUARY 28**

11. *Lecture Eleven*

**EXAMINATION I**

(Covers material from January 24 through  
February 23, inclusive; see also page 3)

**THURSDAY, MARCH 1**

12. *Lecture Twelve*

**Fairness, Force, Ethics, and Misconduct**

- **Text:** pp. 186-197;
- **Reader:** Savage, David, "Reporting a Crime, Then Dying for It," *Los Angeles Times*, December 2, 1999;
- Hauser, Christine, "When Evidence From Surveillance Cameras Leads to Charges Against Officers," *The New York Times*, March 25, 2009.

**TUESDAY, MARCH 6**

13. *Lecture Thirteen*

**C. POLICE & CONSTITUTIONAL LAW**

**Police and Constitutional Law, Part 1**

- **Text:** *Review* pp. 80-95;
- **Text:** pp. 167-179;
- **Reader:** Liptak, Adam, "Supreme Court Cuts Back Officers' Searches of Vehicles," *The New York Times*, April 22, 2009;
- **Reader:** United States Supreme Court, *Arizona v. Gant*, Syllabus, April 21, 2009;
- **Reader:** Searching Your Laptop, *The New York Times*, November 15, 2010, editorial.

**THURSDAY, MARCH 8**

14. *Lecture Fourteen*

**Police and Constitutional Law, Part 2**

- **Text:** pp. 179-186; 194-197;
- **Reader:** Steinhauer, Jenifer, "'Grim Sleeper' Arrest Fans Debate on DNA Use," *The New York Times*, July 8, 2010;
- **Reader:** Leo, Richard A., "Miranda's Revenge: Police Interrogation as a Confidence Game," in *Law in Action: A Socio-Legal Reader*, ed. Macauley, Stewart, Friedman, Lawrence M., and Mertz, Elizabeth (Foundation Press: New York, 2007), pp. 58-75.

**PART III. CRIMINAL TRIALS**

**A. THE COURT SYSTEM AND THE ROLE OF THE JUDGE**

**TUESDAY, MARCH 13**

15. *Lecture Fifteen*

**Structure of Courts and the Role of the Judge**

- **Text:** pp. 199-210;
- **Reader:** *Review* pp. 189-193 of Friedman, "Crimes and Punishments," in *American Law: An Introduction*;
- **Reader:** "Judge Override," *Equal Justice Initiative*, [www.eji.org](http://www.eji.org);
- **Reader:** "Alabama Trial Judge Resists Political Pressure to Override Jury Verdict of Life Without Parole in High-Profile Cases," *Equal Justice Initiative*, April 7, 2010, [www.eji.org](http://www.eji.org);
- **Reader:** A Good Day for Judicial Discretion, *The New York Times*, June 14, 2010, editorial;
- **Reader:** Merryman, John Henry, Perez-Perdomo, Rogelio, "Criminal Procedure" in *The Civil Law Tradition* (Stanford University Press, Stanford 2007) pp. 125-133.

**THURSDAY, MARCH 15**

16. *Lecture Sixteen*

**B. THE ROLE OF THE PROSECUTING ATTORNEY**

**Prosecutorial Discretion and the Decision to Charge**

- **Text:** pp. 210-217;
- **Reader:** Ferguson-Gilbert, Catherine, "It is Not Whether You Win or Lose, It is How You Play the Game: Is the Win-Loss Scorekeeping Mentality Doing Justice for Prosecutors?" 38 Cal. W. L. Rev. 283-309 (2001);
- **Reader:** Lueders, Bill, "Court Filing: Ralph Armstrong was Framed for Madison Murder," *Isthmus*, April 25, 2008;
- **Reader:** Shaila Dewan, "Prosecutors Block Access to DNA Testing for Inmates," *The New York Times*, May 18, 2009.

**TUESDAY, MARCH 20**

17. *Lecture Seventeen*

NOTE: POOL OF POSSIBLE ESSAY  
QUESTIONS DISTRIBUTED  
IN LECTURE

**C. THE ROLE OF THE DEFENSE ATTORNEY**

**Image and Reality of Criminal Defense**

- **Text:** pp. 218-229;
- **Reader:** Freedman, Monroe H. and Smith, Abbe, "Understanding Lawyers' Ethics," in Sarat, *The Social Organization of Law*, pp. 293-297;
- **Reader:** Dwyer, Jim, Peter Neufeld, Barry Scheck, "Sleeping Lawyers," in *Actual Innocence: When Justice Goes Wrong and How to Make it Right* (New American Library, NY: 2003), pp. 237-249.

**THURSDAY, MARCH 22**

18. *Lecture Eighteen*

**D. THE PRETRIAL PROCESS AND "RIGHT TO TRIAL"**

**The Adversarial Process and Plea Bargaining**

- **Text:** pp. 231-247 and 258-259;
- **Reader:** *Review* pp. 193-196 of Friedman, "Crimes and Punishments," in *American Law: An Introduction*;
- **Reader:** Emmelman, Debra S., "Trial by Plea Bargain: Case Settlement in the Justice Process," *Law and Society Review* Vol. 30, 1996; reprinted in *Consequences: Readings in Criminal Justice* (Thompson: 2004), pp. 33-59;
- **Reader:** "Plea Questionnaire/Waiver of Rights," State of Wisconsin Circuit Court Form CR-227, 05/04.

**TUESDAY, MARCH 27**

19. *Lecture Nineteen*

**EXAMINATION II**

(Covers material from March 1 through  
March 22, inclusive; see also page 3)

**THURSDAY, MARCH 29**

20. *Lecture Twenty*

## **E. THE CRIMINAL TRIAL**

### **The Courtroom and the Jury**

- **Text:** pp. 247-259;
- **Reader: Review** pp. 196-200 of Friedman, "Crimes and Punishments," in *American Law: An Introduction*;
- **Reader:** Krause, Jason, "Judge v. Jury," *ABA Journal*, June 2007;
- **Reader:** Grow, Brian (REUTERS), "Internet v. Courts: Googling for the Perfect Juror," *The New York Times*, February 17, 2011;
- **Reader: Recommended:** Davey, Monica and Susan Saulny, "Jurors Fault Complexity of the Blagojevich Trial," *The New York Times*, August 18, 2010;
- **Reader Recommended:** Leipold, Andrew, "Jury nullification: A perversion of justice?" *USA Today Magazine*; September 97, Vol. 126, p. 30;
- **Reader Recommended:** Shelton, Donald E., "The 'CSI Effect': Does It Really Exist?" *National Institute of Justice*, Journal No. 259, March 2008.

### **SPRING BREAK**

**TUESDAY, APRIL 10**

21. *Lecture Twenty-One*

## **F. SENTENCING**

### **Wrongful Convictions / Sentencing Policy**

- **Text:** pp. 261-273 and 281-291;
- **Reader:** Collins, Winn S., "Looks Can Be Deceiving: Safeguards for Eyewitness Identification," *Wisconsin Lawyer* March 2004;
- **Reader:** Eligon, John, "New Efforts Focus on Exonerating Prisoners in Cases Without DNA Evidence," *The New York Times*, February 8, 2009;
- **Reader:** Wisconsin Criminal Justice Study Commission, "Study Suggests Causes of and Ways to Prevent False Confessions," *Wisconsin Lawyer*, May 2007;
- **Reader: Recommended:** Scheck, Barry, "Barry Scheck Lectures on Wrongful Convictions," 54 *Drake L. Rev.* 597-620.

**THURSDAY, APRIL 12**

22. *Lecture Twenty-Two*

### **Sentencing Policy / The Death Penalty**

- **Text:** pp. 272-289;
- **Reader:** Podger, Ellen, "The Challenge of White Collar Sentencing," *Journal of Criminal Law and Criminology*, 2007, pp. 732-759;
- **Reader:** Banner, Stuart, "Resurrection," in *The Death Penalty: An American History* (Cambridge MA: Harvard Univ. Press, 2002), pp. 267-295;
- **Reader:** Fagan, Jeffrey, "Capital Punishment: Deterrent Effects & Capital Costs," *Columbia Law School Report*, Summer 2006.

**TUESDAY, APRIL 17**  
23. *Lecture Twenty-Three*

### **The Death Penalty**

- **Text:** pp. 272-280;
- **Reader:** Banner, Stuart, "Resurrection," in *The Death Penalty: An American History*, pp. 295-305;
- **Reader:** Greenhouse, Linda, "Justices Uphold Lethal Injection in Kentucky Case," *The New York Times*, April 17, 2008.

## **PART IV. CORRECTIONS**

### **A. HISTORY AND STRUCTURE OF CORRECTIONS**

**THURSDAY, APRIL 19**  
24. *Lecture Twenty-Four*

### **History and Theory of Incarceration**

- **Text:** pp. 293-302;
- **Reader: Review** pp. 197-200 of Friedman, "Crimes and Punishments," in *American Law: An Introduction*;
- **Reader:** Prisons and Budgets, *The New York Times*, January 4, 2009, editorial;
- **Reader:** Elsner, Alan, "Entering the Gates," in *Gates of Injustice: The Crisis in America's Prisons* (Upper Saddle River, NJ: Prentice Hall, 2004), pp. 29-57.

**TUESDAY, APRIL 24**  
25. *Lecture Twenty-Five*

### **The "Super-Max" Prison**

- **Text:** pp. 302-323;
- **Reader:** Gawande, Atul, "Hellhole," *The New Yorker*, March 30, 2009;
- **Reader Recommended:** Haney, Craig, "Mental Health Issues in Long-Term Solitary and Supermax Confinement," *Crime & Delinquency*, January 1, 2003, pp. 124-156.

**THURSDAY, APRIL 26**  
26. *Lecture Twenty-Six*

### **Alternatives to Incarceration**

- **Text:** pp. 325-341;
- **Reader:** Mackinem, Mitchell, Higgins, Paul, "Adult Drug Courts: A Hope Realized?" in *Problem-Solving Courts—Justice for the Twenty-First Century?* 2009, pp. 33-49.

**TUESDAY, MAY 1**  
27. *Lecture Twenty-Seven*

### **The American Prison**

- **Text:** pp. 343-357 and 374-375;
- **Reader:** VanEgeren, Jessica, "Prison is Revolving Door for Mentally Ill, Who Don't Get Needed Meds," *The Capital Times*, June 9, 2009;
- **Reader:** Stephey, M., "De-Criminalizing Mental Illness," *TIME Magazine*, August 8, 2007.

## B. RELEASE, PAROLE, AND COMMUNITY SUPERVISION

**THURSDAY, MAY 3**

28. *Lecture Twenty-Eight*

### Release and Readjustment

- **Text:** pp. 377-395;
- **Reader:** Nunally, Derrick, "Inmates Face Rules on Return," *Milwaukee Journal Sentinel*, May 8, 2007;
- **Reader:** Gonnerman, Jennifer, "Captive of the System," *Legal Affairs*, March/April, 2009;
- **Reader:** Ross, Jeffrey Ian and Richards, Stephen C., "Preparing for Release from Prison" and "Free at Last," in *Beyond Bars: Rejoining Society After Prison* (Alpha Books, New York: 2009), pp. 1-24.

**TUESDAY, MAY 8**

29. *Lecture Twenty-Nine*

### Juvenile Justice

- **Text:** pp. 433-461;
- **Reader:** Aviv, Rachel, "No Remorse", *The New Yorker*, January 2, 2012, pp. 54-65;
- **Reader:** Moore, Solomon, "Mentally Ill Offenders Strain Juvenile System," *The New York Times*, August 10, 2009;
- **Reader:** Steinberg, Laurence, Scott, Elizabeth, "Less Guilty by Reason of Adolescence," *American Psychologist* 2003, pp. 1009-1018;
- **Reader [learn@UW] Recommended** (*contains highlights*): Steinberg, Laurence, Scott, Elizabeth, "Adolescent Development and the Regulation of Youth Crime," *The Future of Children* 2008, Vol. 2, pp. 15-33.

**THURSDAY, MAY 10**

30. *Lecture Thirty*

### Conclusion & Review

- **Reader: Review** pp. 180-206 of Friedman, "Crimes and Punishments," in *American Law: An Introduction*.

**TUESDAY, MAY 17**

**5:05 P.M. TO 7:05 P.M.**

**LOCATION TBA**

### EXAMINATION III (*Note Format: 50 Scantron Questions* only)

- (*Covers material from March 29 through May 10, inclusive; see also page 4.*)